



Addressing the 20th century gap:

Controlled digital lending for in-copyright material

Kyle K. Courtney
Harvard Library

Terry Ehling
MIT Press

Chris Freeland
Internet Archive

David
“Snowed In”
Hansen
Duke University
Libraries

Agenda

- Welcome & introductions
- Problem statement
- About controlled digital lending
- About Internet Archive's Open Libraries
- Publisher's perspective
- Q&A

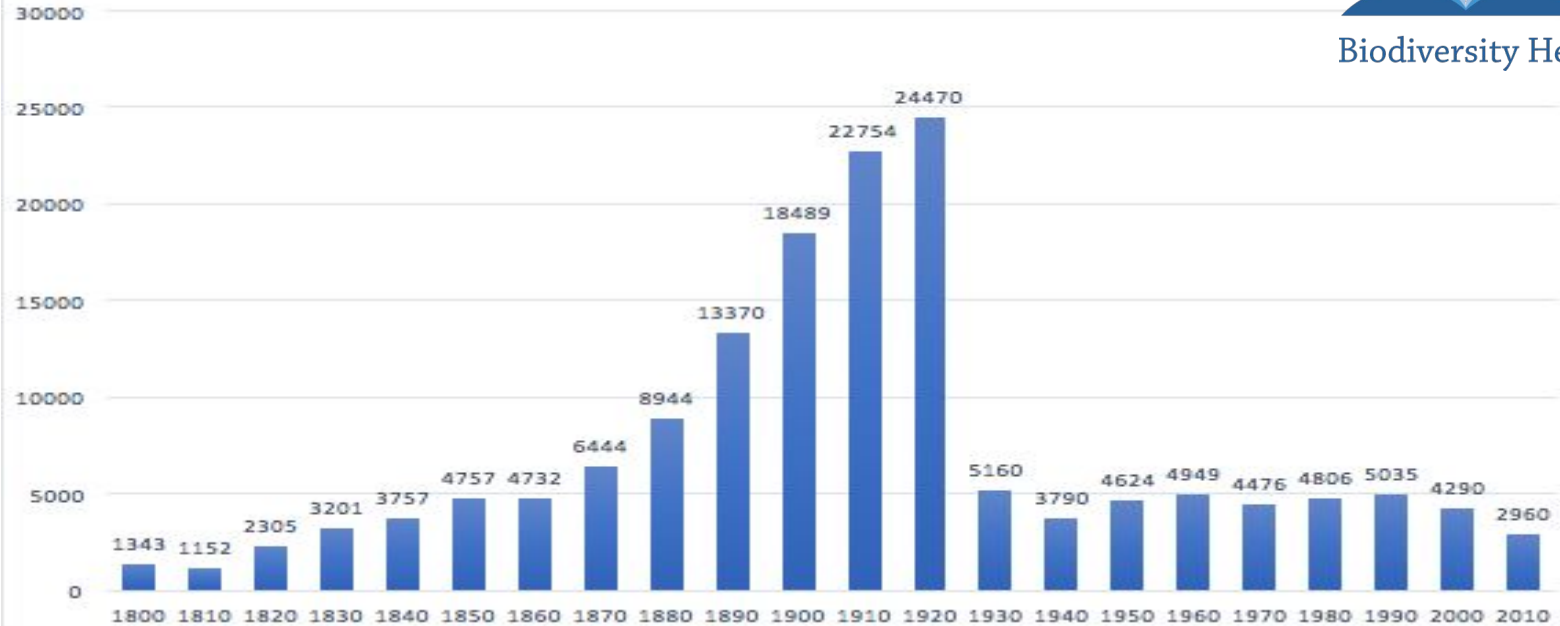
Book scanning projects have a 20th century problem

BHL scanned volumes by decade 1800 - 2010

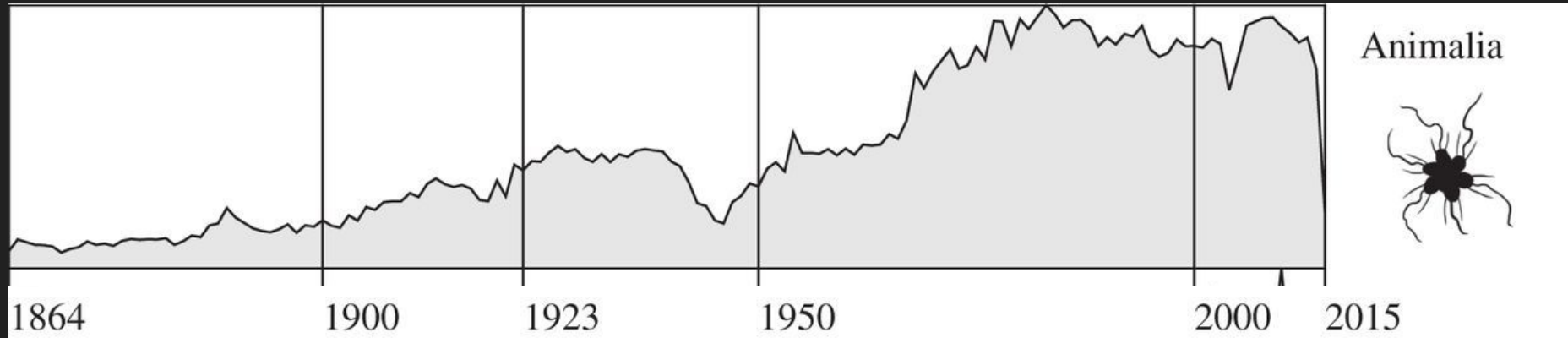


BHL

Biodiversity Heritage Library

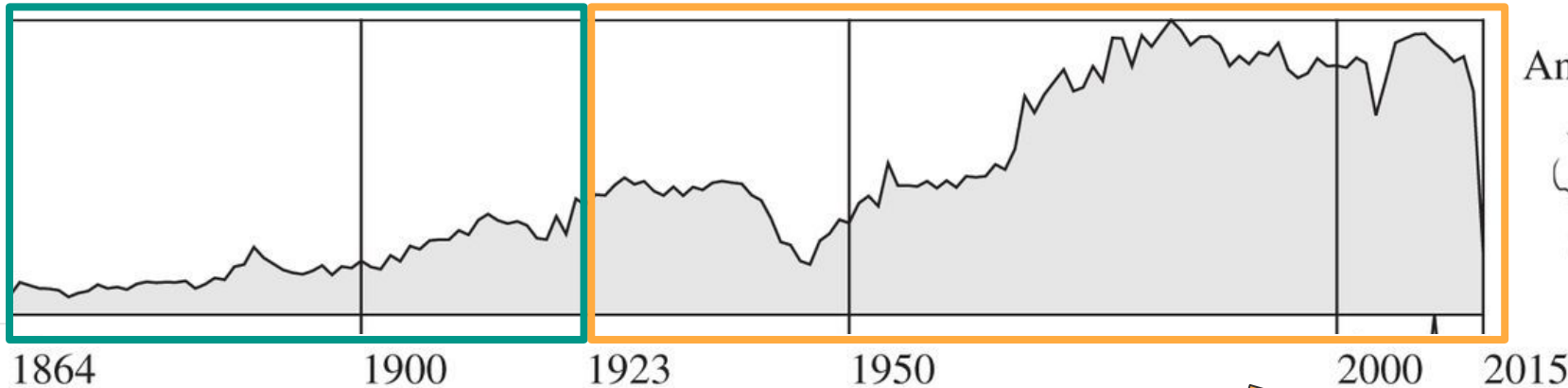


Number of new animal names published since 1864

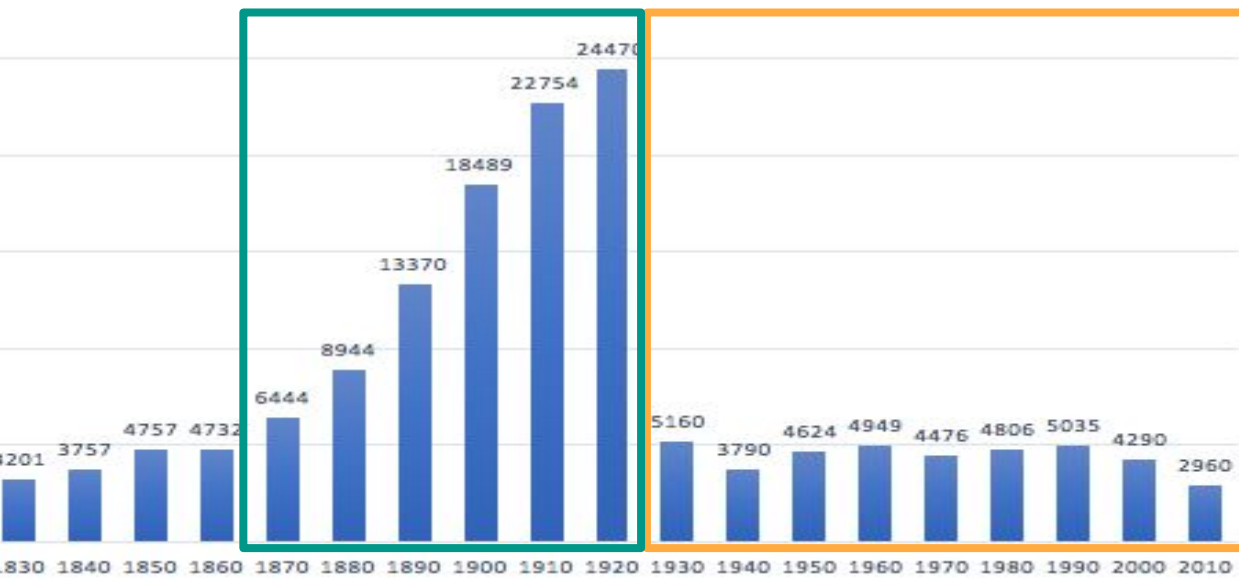
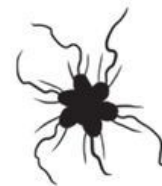


Trends of numbers of new names published each year for animals as a whole, and various taxonomic groups based on data in *Index to organism names* (ION) and BioNames (1923 is the year most published works became out of copyright in the USA). Animal pictures are from <http://phylopic.org>, and are either in the public domain or available under a Creative Commons CC-BY licence (Hymenoptera by Melissa Broussard; Nematoda by Michelle Site).

Page, R. (2016). DNA barcoding and taxonomy: dark taxa and dark texts. *Philosophical Transactions of the Royal Society B* 371(1702). DOI: 10.1098/rstb.2015.0334 Retrieved from <http://rstb.royalsocietypublishing.org/content/371/1702/20150334>



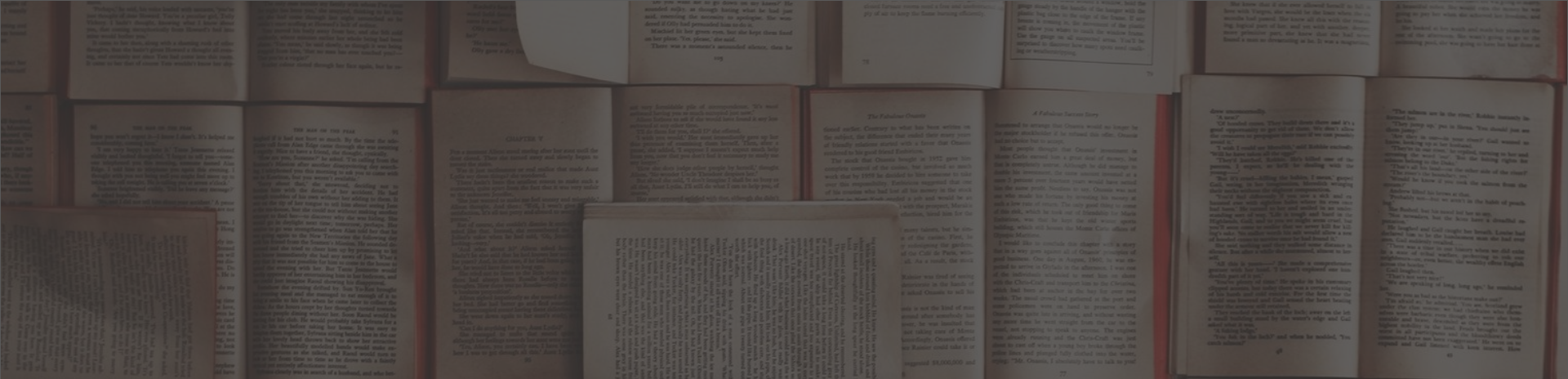
Animalia



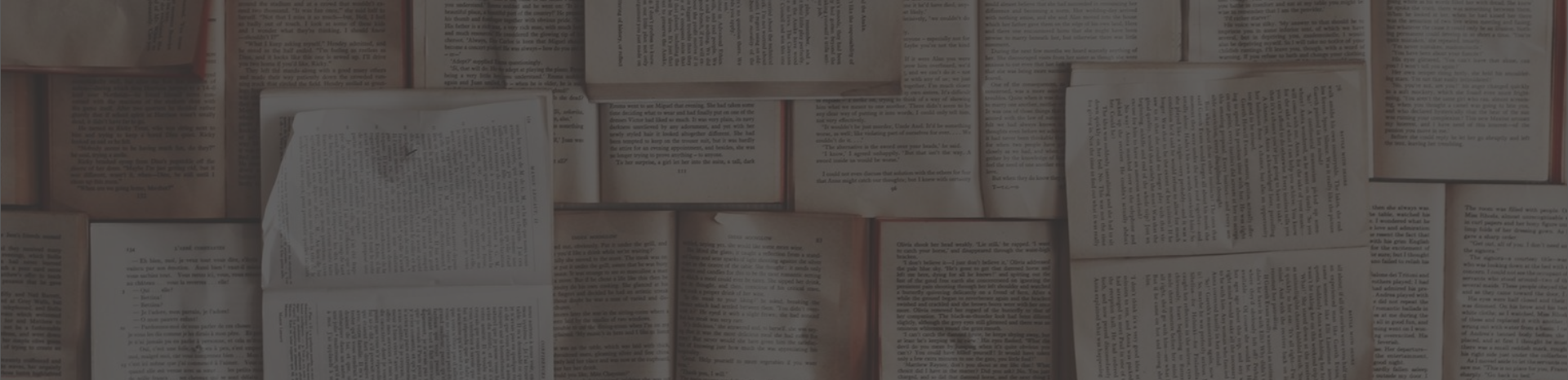
There is a large corpus of literature yet to be scanned

A woman with short brown hair is looking down at an open book placed on a large, professional-grade flat-bed scanner. The scanner is dark-colored with two large, white, professional video cameras mounted on a rail above the bed to capture high-resolution images of the document. The scene is dimly lit, focusing attention on the woman and the scanner. The text is overlaid in the center in a bold, orange font.

Challenge:
Fill in the missing century
on our digital shelves



Controlled Digital Lending





The Law

*<http://bit.ly/CDLpaper>

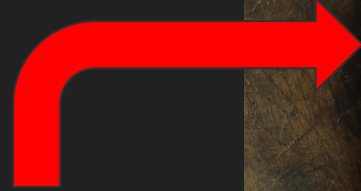
Copyright law secures specific types of uses

1. Reproduction
2. Prepare derivative works
3. Public distribution*
4. Public performance
5. Public display
6. (Sounds recordings are.... complex)



First sale doctrine (aka “exhaustion”)

- The main exception to the **public distribution right** is found in §109 of the Copyright Act:
- “Notwithstanding the **provisions of section 106(3)**, the owner of a particular copy . . . is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord.”





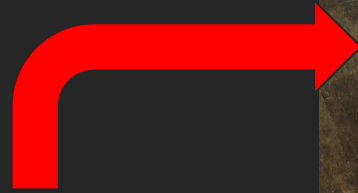
First Sale Doctrine

- The term first sale focuses on whether there has been a *first, authorized* sale of a particular copy;
 - if so, the copyright owner may not prevent subsequent sales, lends, or other transfers
- Name stems from the “exhaustion” of the copyright owner's right to control distribution of a lawfully made copy once there has been an authorized distribution

1908: Supreme Court described the destruction of secondary markets as “hateful to the law from Lord Coke's day to ours, because it is *obnoxious to the public interest*.”



Fair Use Statute



“Notwithstanding the provisions of section 106
....the fair use of a copyrighted work, including
such use by reproduction in copies...for
purposes such as criticism, comment, news
reporting, teaching...scholarship, or research,
is **not** an infringement of copyright....”

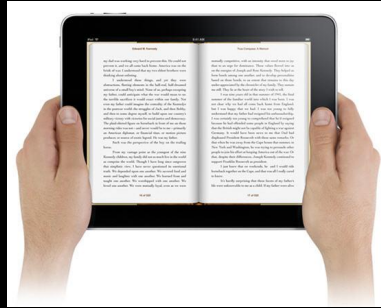


Fair Use Factors

- (1) the purpose and character of the use;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

•

- Out of print
- No rightsholder
- Limited run
- Not registered
- Pre-1976



Loan to users, with
technical limits:
No copying,
No downloads,
Limited duration
w/ no permanent
copy retained



- Careful for Market Harm
- No Pre-Existing Licensing
- Low Risk Works

Low Risk vs. No Risk

CDL in 1 minute....

A library is acting within **fair use** if it digitizes and lends to users the full text of a copyrighted book, provided it does so within **carefully implemented limits and safeguards** (i.e. all the tech details), and provided that the library's primary purpose for making and using the digitized book is **limited to uses that are within the distribution and related rights that all libraries have under the first sale doctrine** as applicable to the original book in the collection.

Open Libraries

<http://openlibraries.org>



INTERNET ARCHIVE



1 physical book
digital book

“Own one, loan one”

<http://openlibraries.online>

[SIGN IN](#)[ABOUT](#)[CONTACT](#)[BLOG](#)[PROJECTS](#)[HELP](#)[DONATE](#)[JOBS](#)[VOLUNTEER](#)[PEOPLE](#)

The MIT Press

The [The MIT Press](#) is committed to re-imagining what a university press can be. Known for iconic design, rigorous scholarship, and creative technology, the Press advances knowledge by publishing significant works by pioneering international authors.

[MORE](#)

- Share
- Favorite
- Play All

[ABOUT](#)[COLLECTION](#)

898 RESULTS

- ☒ Metadata
- ☐ Text contents

PART OF

[American Libraries](#)

Media Type

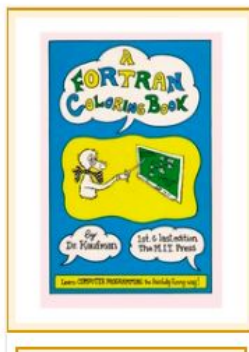
☐ texts 898

Availability

- ☐ Available 755
- ☐ Waitlist 143

 SORT BY [VIEWS](#) • [TITLE](#) • [DATE PUBLISHED](#) • [CREATOR](#)[Join Waitlist](#)

Libraries of the future

[Join Waitlist](#)

A FORTRAN Coloring Book

[Borrow](#)

Scientific and technical information sources

[Join Waitlist](#)

The Japanese marketing system: adaptations and

[Join Waitlist](#)

Political values and health care: the German

<https://archive.org/details/mitpress>



SIGN IN



Search

[ABOUT](#)

[CONTACT](#)

[BLOG](#)

[PROJECTS](#)

[HELP](#)

[DONATE](#)

[JOBS](#)

[VOLUNTEER](#)

[PEOPLE](#)

This book is currently on loan with 1 patron on the waitlist.

[Log In and Join waitlist](#)

Libraries of the future

J. C. R. Licklider



Libraries of the future

by Licklider, J. C. R.; Council on Library Resources; Bolt, Beranek, and Newman, inc.,
Cambridge, Mass



Publication date 1965

Topics [Information technology](#), [Library science](#), [Information technology](#)

Screenshot

[Cambridge, Mass., M.I.T. Press](#)

[Collection in library](#): [printdisabled](#); [toronto](#); [mitopress](#); [americana](#)

4,080 Borrows

24 Favorites



Search

ABOUT

CONTACT

BLOG

PROJECTS

HELP

DONATE

JOBS

VOLUNTEER

PEOPLE



The MIT Press

The [The MIT Press](#) is committed to re-imagining what a university press can be. Known for iconic design, rigorous scholarship, and creative technology, the Press advances knowledge by publishing significant works by pioneering international authors.

MORE

- Share
- Favorite
- Play All

ABOUT

COLLECTION

898 RESULTS



Search this Collection



- ☒ Metadata
- ☐ Text contents

PART OF

American Libraries

Media Type

☐ texts 898

Availability

- ☐ Available 755
- ☐ Waitlist 143

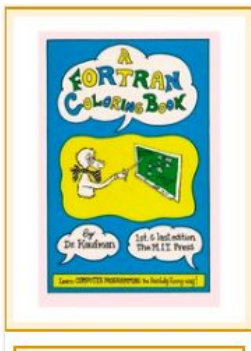
Screenshot

SORT BY VIEWS * TITLE * DATE PUBLISHED * CREATOR



Join Waitlist

Libraries of the future



Join Waitlist

A FORTRAN Coloring Book



Borrow

Scientific and technical information sources



Join Waitlist

The Japanese marketing system: adaptations and



Join Waitlist

Political values and health care: the German

<https://archive.org/details/mitpress>



SIGN IN



Search

[ABOUT](#)

[CONTACT](#)

[BLOG](#)

[PROJECTS](#)

[HELP](#)

[DONATE](#)

[JOBS](#)

[VOLUNTEER](#)

[PEOPLE](#)

This book can be borrowed for 14 days.

[Log In and Borrow](#)

Scientific and Technical Information Sources

Second Edition

Ching-Chih Chen



Scientific and technical information sources

by Chen, Ching-chih, 1937-



Publication date 1987

Topics [LANGUAGE ARTS & DISCIPLINES](#) / [Library & Information Science](#) / [General](#), [Science](#), [Engineering](#), [Technology](#), [Sciences](#), [Ingénierie](#), [Technologie](#), [Science - Bibliographies](#),

[Screenshot](#)

[Bibliographies](#)

Publisher Cambridge, Mass. : MIT Press

654 Borrows



SIGN IN



Search

[ABOUT](#)

[CONTACT](#)

[BLOG](#)

[PROJECTS](#)

[HELP](#)

[DONATE](#)

[JOBS](#)

[VOLUNTEER](#)

[PEOPLE](#)

Log In

Email address

cdftm7@mail.missouri.e

Password

.....

☒ Remember me

Log in

[Forgot your password?](#)

Don't have a virtual library card? [Register for free!](#)

Screenshot



chrisfree...



Search

[ABOUT](#)

[CONTACT](#)

[BLOG](#)

[PROJECTS](#)

[HELP](#)

[DONATE](#)

[JOBS](#)

[VOLUNTEER](#)

[PEOPLE](#)

This book can be borrowed for 14 days.

[Borrow This Book](#)

You currently have 0 of 5 books on loan.

Scientific and Technical Information Sources

Second Edition

Ching-Chih Chen



Scientific and technical information sources

by Chen, Ching-chih, 1937-



Publication date 1987

Topics [LANGUAGE ARTS & DISCIPLINES / Library & Information Science / General, Science,](#)

[Technology, Sciences, Ingénierie, Technologie, Science - Bibliographies,](#)

[Technology - Bibliographies](#)

Screenshot

654 Borrows



chrisfree...



Search

[ABOUT](#)

[CONTACT](#)

[BLOG](#)

[PROJECTS](#)

[HELP](#)

[DONATE](#)

[JOBS](#)

[VOLUNTEER](#)

[PEOPLE](#)

Your loan of this book has 13 days left.

[Return it](#)

Scientific and technical information sources



Return Book



PDF/ePub

Search inside



Scientific and Technical Information Sources

Second Edition

Ching-Chih Chen

Screenshot

1 / 866





Your loan of this book has 13 days left.

Return it

Scientific and technical information sources

Return Book

PDF/ePub

mathematics



248

TABLES, ALMANACS, DATABOOKS

Using the magnetic tapes of the US National Aeronautics and Space Administration Goddard SKYMAP project, the editors list all 45,269 stars brighter than visual magnitude 8.00. Data includes proper motion, magnitude, and distance.

MATHEMATICS

International Compendium on Numerical Data Projects: A Survey and Analysis. International Council of Scientific Unions, Committee on Data for Science and Technology. New York: Springer-Verlag, 1969.

Sourcebook on data centers; lists availability of literature and data.
R: *UD I* 24: entry 190 (May/June 1970); *Wal* (p. 68).

PHYSICS

Astrophysical Formulas: A Compendium for the Physicist and Astrophysicist. K. R. Lang. New York: Springer-Verlag, 1980.

Earlier edition, 1974.

A comprehensive reference of over 2,100 fundamental formulas of astrophysics. Includes tables of basic physical data on astronomical objects.
R: *Shelby* (JG6).

Atomic Energy-Level and Gsian Diagrams. Stanley Bashkin and John O. Stoner, Jr. Amsterdam: North-Holland, 1978.

Volume 1, *Hydrogen I-Phosphorus XV*. Addenda; volume 2, *Sulfur I-Fatinum XXII*. An updated handbook in 2 volumes. Includes higher atomic numbers than previously given.

R: *RSR* 8: 22 (July/Sept. 1969).

Atomic Energy Levels: Data for Parametric Calculations. Serafin Fraga, K. M. S. Saxena, and Jaek Kowowski. Amsterdam: Elsevier, 1979.

Information on parameters for various electronic configurations of atomic species with 5 to 102 electrons.
R: *RSR* 8: 22 (July/Sept. 1969).

CINDA 81: An Index to the Literature on Microscopic Neutron Data. Vienna: International Atomic Energy Agency. Distr. New York: Unipol, 1981. Annual or biennial.

CINDA 72 superseded all earlier issues. Worldwide cooperation has produced this index of over 105,000 bibliographic extracts culled from journals, proceedings, and unpublished material. Entries arranged by element and mass number, then by cross section of other quantities.
R: *ARBA* (1972, p. 562; 1976, p. 560); *Wal* (p. 112).

Color Scanner: Concepts and Methods, Quantitative Data and Formulas. 2d ed. Gunter Wyszecki and W. S. Stiles. New York: Wiley, 1982.

First edition, 1967.

R: *Physio Today* 31: 81 (July 1980); 35: 30 (Apr. 1982); *Jenkins* (C70); *Wal* (p. 107); *Win* (TEG8).

249

TABLES, ALMANACS, DATABOOKS

Datenzusammenfassungen in der Physik: Data Compilations in Physics. 3 vols. Karlsruhe, W. Germany: Zentralstelle für Atomkernenergie-Dokumentation, 1976-1978. An index to about 2,800 data compilations in physics. Arranged under topical headings in German and English. Indexed in English.
R: *Shelby* (EG11).

For Good Measure: A Complete Compendium of International Weight Measures. William D. Johnson. New York: Holt, Rinehart and Winston, 1976.

A handy reference book consisting of 8 chapters on different units of measurement found in various published sources. Information can be found through use of the index to unit names and a general index.

R: *LJ* 100: 2235-2235 (Dec. 1, 1973); *ARBA* (1976, p. 634).

Handbook of Atomic Data. Serafin Fraga et al. New York: Elsevier Scientific, 1976.

Includes tables of data on atoms and ions.

R: *Theoretica Chimica Acta* 45: 73 (1977); *TBRU* 43: 325 (Nov. 1977).

Handbook of Nuclear Data for Neutron Activation Analysis. A. I. Aliev et al. Translated by Baruch Benny. Jerusalem: Program for Scientific Translation, 1970; New York: Halsted Press, 1970.

Handbook on Nuclear Activities Cross-Sections: Neutrons, Protons, and Charged Particle Nuclear Reaction Cross-Sections Data. New York: Unipol, 1974.

Heat & Mass Transfer Data Book. 5d ed. C. P. Kothandaraman and S. Subramanyam. New York: Wiley, 1977.

A handy collection of essential formulas. Helpful to students and engineers involved in heat transfer.

Monobauer Effect Data Index: Covering the 1976 Literature. J. G. Stevens and V. E. Stevens, eds. New York: Plenum Press, 1978. Annual, vols. 1-, 1971-.

Original edition entitled *MEED* 1968-1969. Offers bibliographic control of the ever-increasing output of Monobauer literature and data.

R: *Physio Today* 29: 77 (May 1976); *ARBA* (1973, p. 547).

Phase Diagrams: A Literature Sourcebook. J. Wisniak. Amsterdam: Elsevier Scientific Publishing, 1981.

This alphabetic listing of elements presented in published phase diagrams allows an engineer or scientist to see if a phase diagram for a certain binary multicomponent mixture has been published.

R: *Journal of the American Chemical Society* 104: 2150 (May 1982).

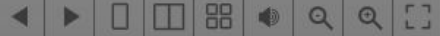
Reference Data for Acoustic Noise Control. W. L. Ghering, ed. Ann Arbor: Ann Arbor Science, 1978.

A ready reference concerning acoustic noise control problems. Covers such topics as noise description, sound level meter weightings, noise standards, noise transmission loss, statistical energy analysis, etc. Includes over 30 figures, tables, graphs, and lists.



Screenshot

291 / 866



A background image showing three young girls of diverse backgrounds looking intently at a book together. The girl on the left is wearing a dark jacket, the middle girl is wearing a grey hoodie, and the girl on the right is wearing a bright yellow hoodie. They are all smiling and appear to be in an outdoor setting.

Open Libraries

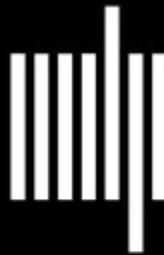
[Join](#)[Libraries](#)[Accessibility](#)[Diversity](#)[Preservation](#)[Trust](#)[People](#)

Everyone deserves to learn

[Join Open Libraries](#) | [View books](#)

<http://openlibraries.online>

Publisher's perspective



The MIT Press

[illegible]



Addressing the 20th century gap:

Controlled digital lending for in-copyright material

Kyle K. Courtney
Harvard Library

Terry Ehling
MIT Press

Chris Freeland
Internet Archive

David Hansen
Duke University
Libraries